



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3489

Introduced 2/18/2025, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

225 ILCS 85/3
225 ILCS 85/43
305 ILCS 5/5-5.12d

Amends the Pharmacy Practice Act. Provides that "practice of pharmacy" includes the assessment and consultation of patients and dispensing of contraceptives, including emergency contraception (rather than the dispensation of hormonal contraceptives). In provisions concerning the dispensation of contraceptives, changes the contraceptives dispensed to contraceptives, including emergency contraception (rather than hormonal contraceptives). Makes conforming changes. Amends the Illinois Public Aid Code. Provides that the medical assistance program shall cover patient care services provided by a pharmacist for contraceptives, including emergency contraception (rather than hormonal contraceptives). Makes conforming changes.

LRB104 09911 AAS 19981 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Pharmacy Practice Act is amended by
5 changing Sections 3 and 43 as follows:

6 (225 ILCS 85/3)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 3. Definitions. For the purpose of this Act, except
9 where otherwise limited therein:

10 (a) "Pharmacy" or "drugstore" means and includes every
11 store, shop, pharmacy department, or other place where
12 pharmacist care is provided by a pharmacist (1) where drugs,
13 medicines, or poisons are dispensed, sold or offered for sale
14 at retail, or displayed for sale at retail; or (2) where
15 prescriptions of physicians, dentists, advanced practice
16 registered nurses, physician assistants, veterinarians,
17 podiatric physicians, or optometrists, within the limits of
18 their licenses, are compounded, filled, or dispensed; or (3)
19 which has upon it or displayed within it, or affixed to or used
20 in connection with it, a sign bearing the word or words
21 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
22 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
23 "Drugs", "Dispensary", "Medicines", or any word or words of

1 similar or like import, either in the English language or any
2 other language; or (4) where the characteristic prescription
3 sign (Rx) or similar design is exhibited; or (5) any store, or
4 shop, or other place with respect to which any of the above
5 words, objects, signs or designs are used in any
6 advertisement.

7 (b) "Drugs" means and includes (1) articles recognized in
8 the official United States Pharmacopoeia/National Formulary
9 (USP/NF), or any supplement thereto and being intended for and
10 having for their main use the diagnosis, cure, mitigation,
11 treatment or prevention of disease in man or other animals, as
12 approved by the United States Food and Drug Administration,
13 but does not include devices or their components, parts, or
14 accessories; and (2) all other articles intended for and
15 having for their main use the diagnosis, cure, mitigation,
16 treatment or prevention of disease in man or other animals, as
17 approved by the United States Food and Drug Administration,
18 but does not include devices or their components, parts, or
19 accessories; and (3) articles (other than food) having for
20 their main use and intended to affect the structure or any
21 function of the body of man or other animals; and (4) articles
22 having for their main use and intended for use as a component
23 or any articles specified in clause (1), (2) or (3); but does
24 not include devices or their components, parts or accessories.

25 (c) "Medicines" means and includes all drugs intended for
26 human or veterinary use approved by the United States Food and

1 Drug Administration.

2 (d) "Practice of pharmacy" means:

3 (1) the interpretation and the provision of assistance
4 in the monitoring, evaluation, and implementation of
5 prescription drug orders;

6 (2) the dispensing of prescription drug orders;

7 (3) participation in drug and device selection;

8 (4) drug administration limited to the administration
9 of oral, topical, injectable, and inhalation as follows:

10 (A) in the context of patient education on the
11 proper use or delivery of medications;

12 (B) vaccination of patients 7 years of age and
13 older pursuant to a valid prescription or standing
14 order, by a physician licensed to practice medicine in
15 all its branches, except for vaccinations covered by
16 paragraph (15), upon completion of appropriate
17 training, including how to address contraindications
18 and adverse reactions set forth by rule, with
19 notification to the patient's physician and
20 appropriate record retention, or pursuant to hospital
21 pharmacy and therapeutics committee policies and
22 procedures. Eligible vaccines are those listed on the
23 U.S. Centers for Disease Control and Prevention (CDC)
24 Recommended Immunization Schedule, the CDC's Health
25 Information for International Travel, or the U.S. Food
26 and Drug Administration's Vaccines Licensed and

1 Authorized for Use in the United States. As applicable
2 to the State's Medicaid program and other payers,
3 vaccines ordered and administered in accordance with
4 this subsection shall be covered and reimbursed at no
5 less than the rate that the vaccine is reimbursed when
6 ordered and administered by a physician;

7 (B-5) (blank);

8 (C) administration of injections of
9 alpha-hydroxyprogesterone caproate, pursuant to a
10 valid prescription, by a physician licensed to
11 practice medicine in all its branches, upon completion
12 of appropriate training, including how to address
13 contraindications and adverse reactions set forth by
14 rule, with notification to the patient's physician and
15 appropriate record retention, or pursuant to hospital
16 pharmacy and therapeutics committee policies and
17 procedures; and

18 (D) administration of long-acting injectables for
19 mental health or substance use disorders pursuant to a
20 valid prescription by the patient's physician licensed
21 to practice medicine in all its branches, advanced
22 practice registered nurse, or physician assistant upon
23 completion of appropriate training conducted by an
24 Accreditation Council of Pharmaceutical Education
25 accredited provider, including how to address
26 contraindications and adverse reactions set forth by

1 rule, with notification to the patient's physician and
2 appropriate record retention, or pursuant to hospital
3 pharmacy and therapeutics committee policies and
4 procedures;

5 (5) (blank);

6 (6) drug regimen review;

7 (7) drug or drug-related research;

8 (8) the provision of patient counseling;

9 (9) the practice of telepharmacy;

10 (10) the provision of those acts or services necessary
11 to provide pharmacist care;

12 (11) medication therapy management;

13 (12) the responsibility for compounding and labeling
14 of drugs and devices (except labeling by a manufacturer,
15 repackager, or distributor of non-prescription drugs and
16 commercially packaged legend drugs and devices), proper
17 and safe storage of drugs and devices, and maintenance of
18 required records;

19 (13) the assessment and consultation of patients and
20 dispensing of ~~hormonal~~ contraceptives, including emergency
21 contraception;

22 (14) the initiation, dispensing, or administration of
23 drugs, laboratory tests, assessments, referrals, and
24 consultations for human immunodeficiency virus
25 pre-exposure prophylaxis and human immunodeficiency virus
26 post-exposure prophylaxis under Section 43.5;

1 (15) vaccination of patients 7 years of age and older
2 for COVID-19 or influenza subcutaneously, intramuscularly,
3 or orally as authorized, approved, or licensed by the
4 United States Food and Drug Administration, pursuant to
5 the following conditions:

6 (A) the vaccine must be authorized or licensed by
7 the United States Food and Drug Administration;

8 (B) the vaccine must be ordered and administered
9 according to the Advisory Committee on Immunization
10 Practices standard immunization schedule;

11 (C) the pharmacist must complete a course of
12 training accredited by the Accreditation Council on
13 Pharmacy Education or a similar health authority or
14 professional body approved by the Division of
15 Professional Regulation;

16 (D) the pharmacist must have a current certificate
17 in basic cardiopulmonary resuscitation;

18 (E) the pharmacist must complete, during each
19 State licensing period, a minimum of 2 hours of
20 immunization-related continuing pharmacy education
21 approved by the Accreditation Council on Pharmacy
22 Education;

23 (F) the pharmacist must comply with recordkeeping
24 and reporting requirements of the jurisdiction in
25 which the pharmacist administers vaccines, including
26 informing the patient's primary-care provider, when

1 available, and complying with requirements whereby the
2 person administering a vaccine must review the vaccine
3 registry or other vaccination records prior to
4 administering the vaccine; and

5 (G) the pharmacist must inform the pharmacist's
6 patients who are less than 18 years old, as well as the
7 adult caregiver accompanying the child, of the
8 importance of a well-child visit with a pediatrician
9 or other licensed primary-care provider and must refer
10 patients as appropriate;

11 (16) the ordering and administration of COVID-19
12 therapeutics subcutaneously, intramuscularly, or orally
13 with notification to the patient's physician and
14 appropriate record retention or pursuant to hospital
15 pharmacy and therapeutics committee policies and
16 procedures. Eligible therapeutics are those approved,
17 authorized, or licensed by the United States Food and Drug
18 Administration and must be administered subcutaneously,
19 intramuscularly, or orally in accordance with that
20 approval, authorization, or licensing; and

21 (17) the ordering and administration of point of care
22 tests, screenings, and treatments for (i) influenza, (ii)
23 SARS-CoV-2, (iii) Group A Streptococcus, (iv) respiratory
24 syncytial virus, (v) adult-stage head louse, and (vi)
25 health conditions identified by a statewide public health
26 emergency, as defined in the Illinois Emergency Management

1 Agency Act, with notification to the patient's physician,
2 if any, and appropriate record retention or pursuant to
3 hospital pharmacy and therapeutics committee policies and
4 procedures. Eligible tests and screenings are those
5 approved, authorized, or licensed by the United States
6 Food and Drug Administration and must be administered in
7 accordance with that approval, authorization, or
8 licensing.

9 A pharmacist who orders or administers tests or
10 screenings for health conditions described in this
11 paragraph may use a test that may guide clinical
12 decision-making for the health condition that is waived
13 under the federal Clinical Laboratory Improvement
14 Amendments of 1988 and regulations promulgated thereunder
15 or any established screening procedure that is established
16 under a statewide protocol.

17 A pharmacist may delegate the administrative and
18 technical tasks of performing a test for the health
19 conditions described in this paragraph to a registered
20 pharmacy technician or student pharmacist acting under the
21 supervision of the pharmacist.

22 The testing, screening, and treatment ordered under
23 this paragraph by a pharmacist shall not be denied
24 reimbursement under health benefit plans that are within
25 the scope of the pharmacist's license and shall be covered
26 as if the services or procedures were performed by a

1 physician, an advanced practice registered nurse, or a
2 physician assistant.

3 A pharmacy benefit manager, health carrier, health
4 benefit plan, or third-party payor shall not discriminate
5 against a pharmacy or a pharmacist with respect to
6 participation referral, reimbursement of a covered
7 service, or indemnification if a pharmacist is acting
8 within the scope of the pharmacist's license and the
9 pharmacy is operating in compliance with all applicable
10 laws and rules.

11 A pharmacist who performs any of the acts defined as the
12 practice of pharmacy in this State must be actively licensed
13 as a pharmacist under this Act.

14 (e) "Prescription" means and includes any written, oral,
15 facsimile, or electronically transmitted order for drugs or
16 medical devices, issued by a physician licensed to practice
17 medicine in all its branches, dentist, veterinarian, podiatric
18 physician, or optometrist, within the limits of his or her
19 license, by a physician assistant in accordance with
20 subsection (f) of Section 4, or by an advanced practice
21 registered nurse in accordance with subsection (g) of Section
22 4, containing the following: (1) name of the patient; (2) date
23 when prescription was issued; (3) name and strength of drug or
24 description of the medical device prescribed; and (4)
25 quantity; (5) directions for use; (6) prescriber's name,
26 address, and signature; and (7) DEA registration number where

1 required, for controlled substances. The prescription may, but
2 is not required to, list the illness, disease, or condition
3 for which the drug or device is being prescribed. DEA
4 registration numbers shall not be required on inpatient drug
5 orders. A prescription for medication other than controlled
6 substances shall be valid for up to 15 months from the date
7 issued for the purpose of refills, unless the prescription
8 states otherwise.

9 (f) "Person" means and includes a natural person,
10 partnership, association, corporation, government entity, or
11 any other legal entity.

12 (g) "Department" means the Department of Financial and
13 Professional Regulation.

14 (h) "Board of Pharmacy" or "Board" means the State Board
15 of Pharmacy of the Department of Financial and Professional
16 Regulation.

17 (i) "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 (j) "Drug product selection" means the interchange for a
20 prescribed pharmaceutical product in accordance with Section
21 25 of this Act and Section 3.14 of the Illinois Food, Drug and
22 Cosmetic Act.

23 (k) "Inpatient drug order" means an order issued by an
24 authorized prescriber for a resident or patient of a facility
25 licensed under the Nursing Home Care Act, the ID/DD Community
26 Care Act, the MC/DD Act, the Specialized Mental Health

1 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
2 University of Illinois Hospital Act, or a facility which is
3 operated by the Department of Human Services (as successor to
4 the Department of Mental Health and Developmental
5 Disabilities) or the Department of Corrections.

6 (k-5) "Pharmacist" means an individual health care
7 professional and provider currently licensed by this State to
8 engage in the practice of pharmacy.

9 (l) "Pharmacist in charge" means the licensed pharmacist
10 whose name appears on a pharmacy license and who is
11 responsible for all aspects of the operation related to the
12 practice of pharmacy.

13 (m) "Dispense" or "dispensing" means the interpretation,
14 evaluation, and implementation of a prescription drug order,
15 including the preparation and delivery of a drug or device to a
16 patient or patient's agent in a suitable container
17 appropriately labeled for subsequent administration to or use
18 by a patient in accordance with applicable State and federal
19 laws and regulations. "Dispense" or "dispensing" does not mean
20 the physical delivery to a patient or a patient's
21 representative in a home or institution by a designee of a
22 pharmacist or by common carrier. "Dispense" or "dispensing"
23 also does not mean the physical delivery of a drug or medical
24 device to a patient or patient's representative by a
25 pharmacist's designee within a pharmacy or drugstore while the
26 pharmacist is on duty and the pharmacy is open.

1 (n) "Nonresident pharmacy" means a pharmacy that is
2 located in a state, commonwealth, or territory of the United
3 States, other than Illinois, that delivers, dispenses, or
4 distributes, through the United States Postal Service,
5 commercially acceptable parcel delivery service, or other
6 common carrier, to Illinois residents, any substance which
7 requires a prescription.

8 (o) "Compounding" means the preparation and mixing of
9 components, excluding flavorings, (1) as the result of a
10 prescriber's prescription drug order or initiative based on
11 the prescriber-patient-pharmacist relationship in the course
12 of professional practice or (2) for the purpose of, or
13 incident to, research, teaching, or chemical analysis and not
14 for sale or dispensing. "Compounding" includes the preparation
15 of drugs or devices in anticipation of receiving prescription
16 drug orders based on routine, regularly observed dispensing
17 patterns. Commercially available products may be compounded
18 for dispensing to individual patients only if all of the
19 following conditions are met: (i) the commercial product is
20 not reasonably available from normal distribution channels in
21 a timely manner to meet the patient's needs and (ii) the
22 prescribing practitioner has requested that the drug be
23 compounded.

24 (p) (Blank).

25 (q) (Blank).

26 (r) "Patient counseling" means the communication between a

1 pharmacist or a student pharmacist under the supervision of a
2 pharmacist and a patient or the patient's representative about
3 the patient's medication or device for the purpose of
4 optimizing proper use of prescription medications or devices.
5 "Patient counseling" may include without limitation (1)
6 obtaining a medication history; (2) acquiring a patient's
7 allergies and health conditions; (3) facilitation of the
8 patient's understanding of the intended use of the medication;
9 (4) proper directions for use; (5) significant potential
10 adverse events; (6) potential food-drug interactions; and (7)
11 the need to be compliant with the medication therapy. A
12 pharmacy technician may only participate in the following
13 aspects of patient counseling under the supervision of a
14 pharmacist: (1) obtaining medication history; (2) providing
15 the offer for counseling by a pharmacist or student
16 pharmacist; and (3) acquiring a patient's allergies and health
17 conditions.

18 (s) "Patient profiles" or "patient drug therapy record"
19 means the obtaining, recording, and maintenance of patient
20 prescription information, including prescriptions for
21 controlled substances, and personal information.

22 (t) (Blank).

23 (u) "Medical device" or "device" means an instrument,
24 apparatus, implement, machine, contrivance, implant, in vitro
25 reagent, or other similar or related article, including any
26 component part or accessory, required under federal law to

1 bear the label "Caution: Federal law requires dispensing by or
2 on the order of a physician". A seller of goods and services
3 who, only for the purpose of retail sales, compounds, sells,
4 rents, or leases medical devices shall not, by reasons
5 thereof, be required to be a licensed pharmacy.

6 (v) "Unique identifier" means an electronic signature,
7 handwritten signature or initials, thumbprint ~~thumb-print~~, or
8 other acceptable biometric or electronic identification
9 process as approved by the Department.

10 (w) "Current usual and customary retail price" means the
11 price that a pharmacy charges to a non-third-party payor.

12 (x) "Automated pharmacy system" means a mechanical system
13 located within the confines of the pharmacy or remote location
14 that performs operations or activities, other than compounding
15 or administration, relative to storage, packaging, dispensing,
16 or distribution of medication, and which collects, controls,
17 and maintains all transaction information.

18 (y) "Drug regimen review" means and includes the
19 evaluation of prescription drug orders and patient records for
20 (1) known allergies; (2) drug or potential therapy
21 contraindications; (3) reasonable dose, duration of use, and
22 route of administration, taking into consideration factors
23 such as age, gender, and contraindications; (4) reasonable
24 directions for use; (5) potential or actual adverse drug
25 reactions; (6) drug-drug interactions; (7) drug-food
26 interactions; (8) drug-disease contraindications; (9)

1 therapeutic duplication; (10) patient laboratory values when
2 authorized and available; (11) proper utilization (including
3 over or under utilization) and optimum therapeutic outcomes;
4 and (12) abuse and misuse.

5 (z) "Electronically transmitted prescription" means a
6 prescription that is created, recorded, or stored by
7 electronic means; issued and validated with an electronic
8 signature; and transmitted by electronic means directly from
9 the prescriber to a pharmacy. An electronic prescription is
10 not an image of a physical prescription that is transferred by
11 electronic means from computer to computer, facsimile to
12 facsimile, or facsimile to computer.

13 (aa) "Medication therapy management services" means a
14 distinct service or group of services offered by licensed
15 pharmacists, physicians licensed to practice medicine in all
16 its branches, advanced practice registered nurses authorized
17 in a written agreement with a physician licensed to practice
18 medicine in all its branches, or physician assistants
19 authorized in guidelines by a supervising physician that
20 optimize therapeutic outcomes for individual patients through
21 improved medication use. In a retail or other non-hospital
22 pharmacy, medication therapy management services shall consist
23 of the evaluation of prescription drug orders and patient
24 medication records to resolve conflicts with the following:

25 (1) known allergies;

26 (2) drug or potential therapy contraindications;

1 (3) reasonable dose, duration of use, and route of
2 administration, taking into consideration factors such as
3 age, gender, and contraindications;

4 (4) reasonable directions for use;

5 (5) potential or actual adverse drug reactions;

6 (6) drug-drug interactions;

7 (7) drug-food interactions;

8 (8) drug-disease contraindications;

9 (9) identification of therapeutic duplication;

10 (10) patient laboratory values when authorized and
11 available;

12 (11) proper utilization (including over or under
13 utilization) and optimum therapeutic outcomes; and

14 (12) drug abuse and misuse.

15 "Medication therapy management services" includes the
16 following:

17 (1) documenting the services delivered and
18 communicating the information provided to patients'
19 prescribers within an appropriate time frame, not to
20 exceed 48 hours;

21 (2) providing patient counseling designed to enhance a
22 patient's understanding and the appropriate use of his or
23 her medications; and

24 (3) providing information, support services, and
25 resources designed to enhance a patient's adherence with
26 his or her prescribed therapeutic regimens.

1 "Medication therapy management services" may also include
2 patient care functions authorized by a physician licensed to
3 practice medicine in all its branches for his or her
4 identified patient or groups of patients under specified
5 conditions or limitations in a standing order from the
6 physician.

7 "Medication therapy management services" in a licensed
8 hospital may also include the following:

9 (1) reviewing assessments of the patient's health
10 status; and

11 (2) following protocols of a hospital pharmacy and
12 therapeutics committee with respect to the fulfillment of
13 medication orders.

14 (bb) "Pharmacist care" means the provision by a pharmacist
15 of medication therapy management services, with or without the
16 dispensing of drugs or devices, intended to achieve outcomes
17 that improve patient health, quality of life, and comfort and
18 enhance patient safety.

19 (cc) "Protected health information" means individually
20 identifiable health information that, except as otherwise
21 provided, is:

22 (1) transmitted by electronic media;

23 (2) maintained in any medium set forth in the
24 definition of "electronic media" in the federal Health
25 Insurance Portability and Accountability Act; or

26 (3) transmitted or maintained in any other form or

1 medium.

2 "Protected health information" does not include
3 individually identifiable health information found in:

4 (1) education records covered by the federal Family
5 Educational Right and Privacy Act; or

6 (2) employment records held by a licensee in its role
7 as an employer.

8 (dd) "Standing order" means a specific order for a patient
9 or group of patients issued by a physician licensed to
10 practice medicine in all its branches in Illinois.

11 (ee) "Address of record" means the designated address
12 recorded by the Department in the applicant's application file
13 or licensee's license file maintained by the Department's
14 licensure maintenance unit.

15 (ff) "Home pharmacy" means the location of a pharmacy's
16 primary operations.

17 (gg) "Email address of record" means the designated email
18 address recorded by the Department in the applicant's
19 application file or the licensee's license file, as maintained
20 by the Department's licensure maintenance unit.

21 (Source: P.A. 102-16, eff. 6-17-21; 102-103, eff. 1-1-22;
22 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1051, eff.
23 1-1-23; 103-1, eff. 4-27-23; 103-593, eff. 6-7-24; 103-612,
24 eff. 1-1-25; revised 11-26-24.)

25 (225 ILCS 85/43)

1 (Section scheduled to be repealed on January 1, 2028)

2 Sec. 43. Dispensation of ~~hormonal~~ contraceptives,
3 including emergency contraception.

4 (a) The dispensing of ~~hormonal~~ contraceptives, including
5 emergency contraception, to a patient shall be pursuant to a
6 valid prescription, or pursuant to a standing order by a
7 physician licensed to practice medicine in all its branches, a
8 standing order by the medical director of a local health
9 department, or a standing order by the Department of Public
10 Health pursuant to the following:

11 (1) a pharmacist may dispense no more than a 12-month
12 supply of ~~hormonal~~ contraceptives, including emergency
13 contraception, to a patient;

14 (2) a pharmacist must complete an educational training
15 program accredited by the Accreditation Council for
16 Pharmacy Education and approved by the Department that is
17 related to the patient self-screening risk assessment,
18 patient assessment contraceptive counseling and education,
19 and dispensation of ~~hormonal~~ contraceptives, including
20 emergency contraception;

21 (3) a pharmacist shall have the patient complete the
22 self-screening risk assessment tool; the self-screening
23 risk assessment tool is to be based on the most current
24 version of the United States Medical Eligibility Criteria
25 for Contraceptive Use published by the federal Centers for
26 Disease Control and Prevention;

1 (4) based upon the results of the self-screening risk
2 assessment and the patient assessment, the pharmacist
3 shall use his or her professional and clinical judgment as
4 to when a patient should be referred to the patient's
5 physician or another health care provider;

6 (5) a pharmacist shall provide, during the patient
7 assessment and consultation, counseling and education
8 about all methods of contraception, including methods not
9 covered under the standing order, and their proper use and
10 effectiveness;

11 (6) the patient consultation shall take place in a
12 private manner; and

13 (7) a pharmacist and pharmacy must maintain
14 appropriate records.

15 (b) The Department may adopt rules to implement this
16 Section.

17 (c) Nothing in this Section shall be interpreted to
18 require a pharmacist to dispense ~~hormonal~~ contraception,
19 including emergency contraception, under a standing order
20 issued by a physician licensed to practice medicine in all its
21 branches or the medical director of a local health department.

22 (d) Notwithstanding any other provision of the law to the
23 contrary, a pharmacist may dispense ~~hormonal~~ contraceptives,
24 including emergency contraception, in conformance with
25 standing orders issued pursuant to this Section without prior
26 establishment of a relationship between the pharmacist and the

1 person receiving ~~hormonal~~ contraception.

2 (e) No employee of the Department of Public Health issuing
3 a standing order pursuant to this Section shall, as a result of
4 the employee's acts or omissions in issuing the standing order
5 pursuant to this Section, be subject to (i) any disciplinary
6 or other adverse action under the Medical Practice Act of
7 1987, (ii) any civil liability, or (iii) any criminal
8 liability.

9 (Source: P.A. 102-103, eff. 1-1-22; 102-813, eff. 5-13-22;
10 102-1117, eff. 1-13-23.)

11 Section 10. The Illinois Public Aid Code is amended by
12 changing Section 5-5.12d as follows:

13 (305 ILCS 5/5-5.12d)

14 Sec. 5-5.12d. Coverage for patient care services for
15 ~~hormonal~~ contraceptives, human immunodeficiency virus
16 pre-exposure prophylaxis, and human immunodeficiency virus
17 post-exposure prophylaxis provided by a pharmacist.

18 (a) Subject to approval by the federal Centers for
19 Medicare and Medicaid Services, the medical assistance
20 program, including both the fee-for-service and managed care
21 medical assistance programs established under this Article,
22 shall cover patient care services provided by a pharmacist for
23 ~~hormonal~~ contraceptives, including emergency contraception,
24 human immunodeficiency virus pre-exposure prophylaxis, and

1 human immunodeficiency virus post-exposure prophylaxis
2 assessment and consultation.

3 (b) The Department shall establish a fee schedule for
4 patient care services provided by a pharmacist under Sections
5 43 and 43.5 of the Pharmacy Practice Act and shall be covered
6 and reimbursed at no less than 85% of the rate that the
7 services are reimbursed when provided by a physician.

8 (c) The rate of reimbursement for patient care services
9 provided by a pharmacist for ~~hormonal~~ contraceptives,
10 including emergency contraception, human immunodeficiency
11 virus pre-exposure prophylaxis, and human immunodeficiency
12 virus post-exposure prophylaxis assessment and consultation
13 shall be at 85% of the fee schedule for physician services by
14 the medical assistance program.

15 (d) A pharmacist must be enrolled in the medical
16 assistance program as an ordering and referring provider prior
17 to providing patient care services for ~~hormonal~~
18 contraceptives, including emergency contraception, human
19 immunodeficiency virus pre-exposure prophylaxis, and human
20 immunodeficiency virus post-exposure prophylaxis assessment
21 and consultation that is submitted by a pharmacy or pharmacist
22 provider for reimbursement pursuant to this Section.

23 (e) The Department shall apply for any necessary federal
24 waivers or approvals to implement this Section by January 1,
25 2023.

26 (f) This Section does not restrict or prohibit any

1 services currently provided by pharmacists as authorized by
2 law, including, but not limited to, pharmacist services
3 provided under this Code or authorized under the Illinois
4 Title XIX State Plan.

5 (g) The Department shall submit to the Joint Committee on
6 Administrative Rules administrative rules for this Section as
7 soon as practicable but no later than 6 months after federal
8 approval is received.

9 (Source: P.A. 102-103, eff. 1-1-22; 102-813, eff. 5-13-22;
10 102-1051, eff. 1-1-23.)